

REMARKS

Applicant has reviewed and considered the Office Action mailed on October 22, 2002, and the references cited therewith.

Claims 19 and 21 are amended; no claims have been cancelled; no claims have been added. Claims 1-22 are now pending in this application.

112 Rejection of the Claims

Claims 1, 8, 12, 16, 19 and 21 were rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed. The Office Action indicates that the specification "fails to state that the three multimedia controls are used only, or exclusively, for controlling the multimedia device(s)." This rejection is respectfully traversed. The specification only teaches that the multimedia controls are used for controlling the multimedia devices. Therefore, applicant is only claiming what is described and no new matter is being introduced. The teaching of the specification is exemplified by the following language from page 11, lines 15-22:

"In particular, driver 41 determines whether the information in a particular data packet pertains to one or more of multimedia control actuation information, mouse button actuation information, or pointing device movement information. Driver 41 then performs the appropriate action based on this information. For example, if an increase-volume control is actuated on mouse pointing device 34, information regarding this actuation is received by the computer at port 40. Driver 42 interprets this information, and increases the volume of multimedia device 38 correspondingly."

It is clear that the multimedia control is only used to control the multimedia device. The driver that it interfaces with clearly interprets information from such multimedia control and controls the multimedia device 38 correspondingly.

103 Rejection of the Claims

Claims 1-18 were rejected under 35 USC 103(a) as being unpatentable over Schultheiss (U.S. 6,208,384) in view of Choi (U.S. 5,648,781). This rejection is respectfully traversed.

Applicant submits that claims 1-18 are not unpatentable over Schultheiss in view of Choi because the references are not properly combinable and because even if combined, the references do not **teach or show all elements of these claims**.

The Examiner has the burden under 35 U.S.C. 103 to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation in the references or in the knowledge generally available to one of ordinary skill in the art to modify a reference or to combine reference teachings to arrive at the claimed invention. Third, there must be a reasonable expectation of success. M.P.E.P. 2142. Applicant respectfully submits that the cited art does not present a *prima facie* case of obviousness, because even if combined, Schultheiss and Frank do not teach or suggest each and every element of claims 1-18.

Schultheiss does not teach or suggest all elements of claims 1-18. In particular, as confirmed by the Office Action, Schultheiss does not disclose "**a second control operative to control a second multimedia device through the computer.**" as claimed in claim 1 and similarly referenced in all of claims 1-18.

Choi is offered as a reference that "allows the pointing device to include a second and third control operative to control a second multimedia device through the electrical appliance". However, Choi utilizes "various menus of a television and other electrical appliances connected therewith,..."

Col. 4, lines 25-28. At Col. 4, lines 5-8, the keys appear to be associated with one appliance at a time: "...a menu contents execution unit 74. Here, the elements 54-64 are components of the remote controller, while elements 66-74 belong to the television (or electrical appliance)." Applicant finds no teaching in Choi of separate controls for different multimedia devices. Since neither reference describes such separate controls, a *prima facie* case of obviousness has not been established, and the rejection should be withdrawn.

103 Rejection of the Claims

Claims 19-22 were rejected under 35 USC 103(a) as being unpatentable over Schultheiss. This rejection is respectfully traversed based on amendments to claims 19 and 21 related to relative positioning of components clearly not provided by Schultheiss. The amendments to the claims are clearly supported by at least FIG. 1a and FIG. 1b and associated text.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6972) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelop addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 19 day of March 2003.

Name: Candis B. Buending

Signature: Candis B. Buending